

RFA No.352/1992

19.05.2010 Present: Mr. G. D. Verma, Sr. Advocate with Mr. B. C. Verma,
Advocate, for the applicant.

Mr. R. M. Bisht, Dy. A.G. and Mr. P.M. Negi, Dy. A.G.
for the respondents.

CMP No.58/2010

The operative part of the judgment dated 18.12.2008
passed by the Apex Court reads as under:-

“6. We have also gone through the claim made by the land-owner/appellant before the High Court. We notice that the claimant had sought compensation at Rs.1.30 lakh per bigha and paid court fee on this figure. We are, therefore, of the opinion notwithstanding the fact that Mr. Agrawala is hesitatingly asking for Rs.5,00,000/- per bigha or at least Rs.1.75 lakh per bigha nothing more than the amount claimed in the first appeal before the High Court is admissible. As already mentioned above, the land acquired by the Notification of 1980, compensation at Rs.1.75 lakh per bigha had been awarded with 30% cut towards development charges etc. In view of the fact that the present acquisition was made some 8 years later and a claim of Rs.1.30 lakh per bigha has been made, we allow this appeal and direct that compensation at Rs.1.30 lakh per bigha shall be payable to the appellant. In addition to the enhanced compensation, the claimant-appellant shall also be entitled to solatium and interest on the enhanced amount. We, further, direct that the entire sum payable to the appellant under this judgment will be defrayed to him within a period of 4 months from the date of the supply of a certified copy of this judgment to the respondent. There will, however, be no order as to costs.”

There is constitutional obligation of every authority to act in aid of the Supreme Court. Undoubtedly the respondents have not complied with the aforesaid directions.

The Chief Secretary to the Govt. of Himachal Pradesh is directed to file her personal affidavit indicating the steps taken by the State for implementing the order dated 18.12.2008. She shall also explain as to what action has been taken against the erring official(s). The affidavit be positively filed within a period of one week from today. List on 27.5.2010.

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(**Sanjay Karol**),
Judge.

May 19, 2010
(rana)